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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,801	03/01/2005	Gerard Deleguc	Q85942	6579
23373 7590 06/27/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER BUI, BRYAN P	
			ART UNIT 2109	PAPER NUMBER
			MAIL DATE 06/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/522,801

Applicant(s)

DELEGUE ET AL.

Examiner

Bryan P. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/01/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/01/2005</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant has submitted a preliminary amendment to Application No. 10/522801 on March 01<sup>st</sup>, 2005 claiming priority from PCT Application PCT/FR03/02198 filed on November 07<sup>th</sup>, 2003 claiming priority from Foreign Application (FRANCE) 0208816 filed on August 01<sup>st</sup>, 2002. This following office action is based on the preliminary amendment filed on January 28<sup>th</sup>, 2005 having claims 1-6 and Figures 1-4.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/FR03/02198 filed on November 07<sup>th</sup>, 2003. The priority date considered for the application is August 01<sup>st</sup>, 2002, which is the filing date of Foreign Application mentioned above.

### **Status of Claims**

Claims 1-6 are pending of which claims 1, 5, and 6 are in independent form.

Claims 1-6 are rejected for the reasons discussed in detail below.

### ***Information Disclosure Statement***

3. The information disclosure statement filed on January 28<sup>th</sup>, 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it

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to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The foreign patent documents DE 199 06 381 A and EP 0 800 329 A and the non patent literature document (Cidon et. al "Connection Establishment in High Speed Network" August 1, 1993) have not been considered because applicant failed to provide either English translations of the abstract of the foreign patent documents or the copy of non patent literature.

### ***Drawings***

4. The drawings are objected to because a plurality of boxes is shown in Figures 1-4 with no indication as to what the boxes represent.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With respect to claims 1-4, those claims are directed to a method of providing a set of basic services for using a telecommunication network. In the meanwhile, claims 5 and 6 are directed to a server for providing a set of basic services and the means for activating and /or deactivating the basic services during the transaction. However, they do not set forth that which applicants regard as their invention as evidenced by statements inside the specification or detailed description of the application as filed. Moreover, applicant merely claims "Method" (in claims 1-4) and "Server" (in claims 5 and 6) without specifically teaching one skilled in the art how to make and/or use the full scope of the claimed invention without undue experimentation. In re Wright, 999 F.2d 1557, 1562, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993). In particular, the claimed features of "a set of basic services for using a telecommunication network which, combined with each other, constitute bundles of services" and "the services of the same group are activated or deactivated during the same transaction" as cited in claim 1 are not described in the specification in such a manner to teach one of ordinary skilled in the art how to make and/or use the full scope of the invention without undue experimentation. Likewise, with respect to claims 5 and 6, applicant needs to clarify the way to implement the server comprising means for activating (claim 5) and deactivating (claim 6) the basics services in a specific manner to satisfy the limitations of these claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-6 are further rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims seem to be a translation of French into English which, in some cases, do not make sense.

The words "Method" in claims 1-4 (see the first line of each claim) and "Server" in claims 5-6 (see the first line of each claim) render those claims indefinite. The recitations of "Method of providing", "Method according to" (as cited in claims 1, 2, 3, 4) and "Server comprising" (as cited in claims 5, 6) imply there are more than one method and server. It is suggested that applicant should amend those claims to rewrite "A method" and "A server" instead.

Regarding claims 1, 5 and 6, these claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, the way of using the word "which" in lines 2, 3 and the phrase "combined with each other" in line 2 (for each claim) is ambiguous. Appropriate correction is required.

Claim 1 contains the numbers/components of drawings that were not indicated as to what the numbers/components represent (see line 4). Appropriate correction is required.

Claim 1 recites "a group" in line 6; Claim 3, depending on claim 1, recites also "a group" in line 2. It is not clear whether the "a group" recitations are the same or different.

Moreover, the word "if" (see claim 1, line 6 and claim 5, line 8 and claim 6, line 4) is a relative term, which renders those claims indefinite. It is unclear whether the limitation(s) following the word "if" are part of the claimed invention. See MPEP § 2173.05(d).

Additionally, claim 1 recites "it" (in line 3), claim 2 recites "they", "that"(in line 3), claims 5 and 6 recite "it", "that". Pronouns are not permitted in the claims.

It is also noted that the word "it" in claim 1 (line 3), in claim 5 (lines 5 and 7), and in claim 6 (line 4) renders the claims indefinite. For example, claim 1 is directed towards a method for providing a set of basic services for using a telecommunication network. In the third line, this claim states "in that it comprises". While "it" in this phrase apparently refers to "method", it may also refer to the network or a set of basic services. If it does refer to "method", claim 1 should be amended so that the phrase reads "in that the method comprises". Claims 2, 3, and 4, depending on claim 1, are consequently rejected for the same reasons as mentioned above.

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Regarding claims 5 and 6, it is suggested that applicant should amend the claims to refer the word "it" to "server" for the same reason in the rejection of claim 1.

Additionally, applicant recites the word "means" (see claim 5, line 7) in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Finally, the recitations of "transaction"(as cited in claim 1, line 5, claim 5, line 6, and claim 6, line 4), "the same group"(as cited in claim 1, line 5, claim 2, line 2, claim 5, line 5), "the identifier", "a group", and "the specifications"(as cited in claim 4) have no antecedent basis for these limitations in those claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Glitho et. al(US Pat No. 6,199,066 B1) in view of Malik(US Pat No. 6,188,757 B1).

Regarding claims 1 and 2, Glitho discloses the claimed features of "method of providing a set of basic services for using a telecommunication network which, combined with each other, constitute bundles of services" and "groups of basic services are constituted" by providing an interface between a customer administrative system and a plurality of database network elements (see column 2, lines 35-36, and column 3, lines 30-32 together with Figure 2 (22)), wherein a meta- service comprises a package of individual services (see, for example, column 2, lines 39-40 , and column 3, lines 60-61). Glitho also discloses the claimed limitation of "the services of the same group are activated during the same transaction so that the basic services of a group can be activated only if all the other basic services of that group can be activated" by describing the interface further includes a meta-service activation and management agent in response to a single command for activation and management of a meta-service (see column 3, lines 57-61). However, Glitho does not expressly teach the claimed features of " the services of the same group are deactivated during the same transaction" (as cited in claim 1) and "when [a] basic service becomes unavailable, the basic services belong to the same group or groups as the basic service that has become unavailable are rendered inactive" (as cited in claim 2). Malik, from the same or similar field of endeavor, describes a method for initiating the deactivation of temporary advanced telecommunication services which stores the rental agreements including termination times in a single location (see Malik, for example, column 15, lines 29-33 together with Figure 5 and 6). Moreover, Malik further discloses a method initiating the deactivation of

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a plurality of temporary advanced telecommunication services, which may be associated with a calling lines (i.e, a group of basic services) (see Malik, column 27, lines 41-44 together with Figure 6). Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to modify the meta-service activating interface of Glitho by adding a technique of deactivating the telecommunication services taught by Malik. Such combination would have permitted an interface between a customer administrative system and a plurality of database network elements of Glitho to allow the method of initiating the deactivation of Malik to be implemented on a large scale for a multitude of calling lines and a multitude of temporary advanced telecommunication services which does not require the intervention of a human representative or the use of computer timers (see Malik, column 8, lines 6-12).

8. Claims 3 and 4 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Glitho et. al(US Pat No. 6,199,066 B1) in view of Malik(US Pat No. 6,188,757 B1) as applied to claim 1 above, and further in view of Low et al (U.S Pub No.2002/0073210 A1).

Regarding claims 3 and 4, most of the limitations of those claims have been noted in the rejection of claim 1. It is noted, however, neither Glitho nor Malik expressly discloses the claimed features of "each of the basic services of a group is assigned a group identifier" (as cited in claim 3) and "the identifier of a group of basic services is

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stored in the specification of all the basic services belonging to that group" (as cited in claim 4). Low et. al, from the same or similar field of endeavor, describes a service system generating and storing a session identifier for a communication session to be used in the future ( see Low et. al, the abstract, lines 11- 13 and paragraph [0049]).

More specifically, Low states that the session identifier is automatically stored by the service system, and the copy of the identifier will be passed over the network to the first endpoint entity. Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to further modify the interface of Glitho (see previous modification in the rejection of claim 1) by adding a technique of identifying the communication sessions taught by Low et. al to achieve the claimed limitations of assigning a group identifier to the basic services and storing the identifier of a group. Such combination would have permitted the interface of Glitho to allow the service system for facilitating the set up of a deferred communication session via the internet or other network (see Low et. al, paragraph [0008]).

9. Claims 5 and 6 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Glitho et. al(US Pat No. 6,199,066 B1) in view of Malik(US Pat No. 6,188,757 B1) as applied to claim 1 above, and further in view of Nightingale (U.S Pat No. 6,061,729).

Regarding claims 5 and 6, most of the limitations of those claims have been noted in the rejection of claim 1. However, neither Glitho nor Malik discloses the claimed features of "server" comprising means for activating and/or deactivating the basic

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services of a telecommunication network. Nightingale, from the same or similar field of endeavor, describes a telecommunication network with a client system and a server system (see Nightingale, the abstract and column 2, lines 1-2), wherein a server system includes a platform manager, a database subsystem, a service manager and a service interface (see Nightingale, column 2, lines 11-13). Moreover, the service manager is operable to administer the services in the server system (see column 2, lines 17-18) by using a service creation environment to allow a completed service logic program downloaded to the service control point and the signal transfer point through the service management for execution on the network (see column 3, lines 36-40 and Figure 1 (12), (14), (16), (28) and Figure 2 (42), (74)). Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to further combine the interface of Glitho (see previous modification in the rejection of claim 1) with a server system taught by Nightingale to provide a server comprising means for activating and/or deactivating basic services in the telecommunication network. Such combination would have permitted the interface of Glitho to allow the server management system of Nightingale to provide an improved method for communicating service information in a telecommunication network (see Nightingale, column 2, lines 25-27).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Konrad. (US Pat No. 5,554,320)

Smoldinsky et al. (US Pat No. 6,055,574)

Romohr. (US Pat No. 5, 596, 723)

Jindal et al. (US Pat No. 5,324,580)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is (571)-270-1981. The examiner can normally be reached on Monday-Friday from 7:30 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on (571)-272-4017. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO

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Customer Service Representative or access to the automated information system, call

1-(800)-786-9199 (in U.S.A or Canada) or 1-(571)-272-1000.

Examiner

*Bryan Bui*

Bryan P. Bui

*Frantz Coby*  
**FRANTZ COBY**  
**PRIMARY EXAMINER**